

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE SCOTT FETZER COMPANY,)
Plaintiff) Civil Action
vs.) No. 02-cv-02917
RAYMOND G. GEHRING,)
doing business as)
NORTHEASTERN VACUUM CLEANER)
COMPANY,)
Defendant)

* * *

APPEARANCES:

ROBERT P. DUCATMAN, ESQUIRE
CHRISTINA J. MOSER, ESQUIRE
MARGARET S. WOODRUFF, ESQUIRE
On behalf of Plaintiff

* * *

RULE 16 STATUS CONFERENCE ORDER

NOW, this 20th day of February, 2003, after status conference conducted by telephone with the undersigned on this date, pursuant to Rule 16 of the Federal Rules of Civil Procedure,

IT IS ORDERED that on or before March 20, 2003 plaintiff shall serve a notice to take defendant's oral deposition, which deposition shall be scheduled within 30 days of the notice. Within 48 hours after the scheduled deposition counsel for plaintiff shall notify the undersigned whether or not defendant appeared for the deposition.

IT IS FURTHER ORDERED that all dispositive motions, including motions for summary judgment, accompanied by a brief, shall be filed and served on or before May 30, 2003.

IT IS FURTHER ORDERED that all motions (except those relying solely on a Federal Rule of Civil Procedure) shall be accompanied by a brief, not to exceed twenty-five pages without prior leave of court. There shall be no reply briefs unless requested, or authorized, by the undersigned. Reply briefs shall not exceed seven pages and must be filed within three business days of the court's request or approval.

IT IS FURTHER ORDERED that any party filing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, in numbered paragraphs, of the material facts about which the moving party contends there is no genuine dispute. The moving party shall support each such material fact with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. Failure to submit such a statement may constitute grounds for denial of the motion.

IT IS FURTHER ORDERED that any party opposing a motion for summary judgment or partial summary judgment shall file and serve, in addition to a brief, a separate short concise statement, responding in numbered paragraphs to the moving party's statement of the material facts about which the opposing

party contends there is a genuine dispute, with specific citations to the record, and, where practicable, attach copies of the relevant portions of the record. All factual assertions set forth in the moving party's statement shall be deemed admitted unless specifically denied by the opposing party in the manner set forth in this paragraph.

IT IS FURTHER ORDERED that a non-jury trial on plaintiff's claims for injunctive relief, and a jury trial on the remaining counts of plaintiff's Complaint, including federal trade mark infringement, and federal and state trademark dilution and unfair competition, shall commence in a consolidated trial before the undersigned on Monday, July 28, 2003 at 9:30 o'clock a.m. in Courtroom B, Edward N. Cahn United States Courthouse, 504 West Hamilton Street, Allentown, Pennsylvania, or as soon thereafter as the schedule of the court permits, following jury selection at the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania. This Order shall serve as a formal attachment for trial.

BY THE COURT:

James Knoll Gardner
United States District Judge